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Atty. Dkt. No. 044170-0340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Curtis CLARKE et al.
Title: METHOD AND APPARATUS FOR FOLDING AN AIR
BAG FOR STOWING IN AN AIR BAG MODULE
Appl. No.: 10/598,252
International Filing Date: 2/23/2005
371(c) Date: 1/7/08
Examiner: Sameh Tawfik
Art Unit: 3721
Confirmation Number: 1801

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

In the Office Action mailed June 12, 2009, the Examiner requires an election of a species from a list of three identified species.

According to MPEP § 1893.03, the Examiner should identify the species disclosed in the application. In the Office Action, the Examiner only identifies the species by listing claim numbers. Species are normally identified by figures or examples disclosed in the application. (See e.g., MPEP § 809.02(a)). In the present application, certain drawings are clearly directed to different examples or embodiments of the disclosed folding apparatus. However, the Office Action fails to identify the species by reference to the drawings and, thus, the requirement for election is improper and should be withdrawn.

Furthermore, the Examiner states that:

Species I lack technical feature of adapting one second surface to cooperate with one of the first and second gathering elements to extend from one of the first and second faces to limit a height of one corresponding edge portion of the air bag.


(Office Action at p. 3). However, the technical feature described above is set forth in at least claim 1 of the application and, thus, is clearly present in the alleged "Species I." Thus, for this additional reason, the requirement for election is improper and should be withdrawn.

In response to the Examiner's requirement for election of species, Applicant hereby provisionally elects Species I. Claims 1-20 read on the elected species.

Although Applicant believes that no fee is required for this Response, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0741.

Respectfully submitted,

Date 13 July 2009
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